

ITEM NO.57 + 58

COURT NO.8

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 11197/2026

[Arising out of impugned final judgment and order dated 19-03-2026 in WP No. 2839/2026 passed by the High Court of Delhi at New Delhi]

M/S KOTA DALL MILL & ANR.

Petitioner(s)

VERSUS

NATIONAL AGRICULTURE COOPERATIVE MARKETING
FEDERATION OF INDIA LIMITED (NAFED)

Respondent(s)

IA No. 91453/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 91454/2026 - EXEMPTION FROM FILING O.T.

WITH

Special Leave to Appeal (C) No(s). 11159/2026 (Item no. 58)

IA No. 91308/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 91309/2026 - EXEMPTION FROM FILING O.T.

IA No. 92254/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES

Date : 01-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) :Mr. Maninder Singh, Sr. Adv.
Ms. Meghna Mishra, Adv.
Mr. Ankit Rajgarhia, Adv.
Mr. Prabhav Bahuguna, Adv.
Mr. Samar Singh, Adv.
Mr. Naman Maheshwari, Adv.
Mr. Siddanth Ahirwal, Adv.
Mr. Aakash Nandolia, AOR

Mr. Vikas Singh, Sr. Adv.
Mr. Saurabh Mishra, Sr. Adv.
Mr. Paavan Awasthi, Adv.
Mr. Anmol Kheta, Adv.
Ms. Tanya Srivastava, AOR
Ms. Deepeika Kalia, Adv.
Mr. Deepanshu Shakargaye, Adv.
Mr. Sudeep Chandra, Adv.
Ms. Khushi, Adv.

For Respondent(s) :Mr. Mukul Rohtagi, Sr. Adv.

Mr. Aaditya Vijay Kumar, Adv.
Ms. Akshita Katoch, Adv.
Mr. Naman Garg, Adv.
Mr. Anirudh Anand, Adv.
Mr. Chitranshul A. Sinha, AOR

Mr. Tushar Mehta, Solicitor General
Ms. Aishwarya Bhati, Addl. Solicitor General
Mr. Yasharth Kant, Adv.

Mr. Atmaram Nandkarni, Sr. Adv.
Mr. Aaditya Vijay Kumar, Adv.
Ms. Akshita Katoch, Adv.
Mr. Naman Garg, Adv.
Mr. Anirudh Anand, Adv.
Mr. Chitranshul A. Sinha, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

Special Leave to Appeal (C) No. 11197/2026:

1. The High Court was approached by the petitioner challenging two clauses of the tender notice:

A(1). Bidder(s) should have owned manufacturing unit of recipe based supplementary nutrition food items in the State of Uttar Pradesh, complying with all the statutory requirements. The bidder(s) should provide unit ownership title deed, factory license, electricity connection proof and FSSAI certificate as a proof of ownership of the unit. The unit ownership title deed should be dated before the floating date of this tender. (Factory License and FSSAI issuing date should be before the date of floating of tender).

A(12). The bidder(s) should not have any pending legal/criminal cases and/or any other cases/disputes associated with THR supplies against them with any State/Central/UT/State Level Agency on the date of submission of this tender by the bidder(s).

2. Insofar as the challenge to the clause requiring ownership of a manufacturing unit in the State of Uttar Pradesh is concerned, we find no reason to interfere with the decision rendered by the High Court spurning the same.

3. However, it has been brought to our notice that that since the decision in

respect of the challenge to clause A(1) failed, the High Court did not decide the challenge to clause A(12).

4. Mr. Maninder Singh, learned senior counsel appearing for the petitioner-M/s. Kota Dall Mill submits that disputes and differences having arisen by and between the parties, the petitioner invoked the arbitration clause and has been successful in persuading the arbitral tribunal to pass an award in its favour. However, proceedings under Section 34 of the Arbitration and Conciliation Act, 1996 are now pending before the Commercial Court, Lucknow.

5. Since the arbitral tribunal has passed an award in favour of the petitioner-M/s. Kota Dall Mill, which is yet to be interfered with by the Commercial Court, Lucknow, we hold that clause A(12) referred to supra shall not stand in the way of the petitioner's participation in future tenders.

6. The special leave petition of the petitioner-M/s. Kota Dall Mill stands disposed of on the aforesaid terms.

Special Leave to Appeal (C) No. 11159/2026:

7. Challenge to clause 1(A) supra at the instance of the petitioner-Rasi Nutri Foods India Pvt Ltd. fails for the same reason, mentioned above.

8. However, the special leave petition is kept pending for the petitioner-Rasi Nutri Foods India Pvt Ltd. to establish that those bidders who have qualified the technical bid do not also have manufacturing units in Uttar Pradesh and, therefore, are ineligible.

9. To enable the petitioner-Rasi Nutri Foods India Pvt Ltd. to persuade us accept its objection, noted above, re-list the special leave petition on 6th April, 2026.

10. Challenge to clause A(12) is also kept open for decision.

(JATINDER KAUR)

(MANOJ KUMAR)

P.S. to REGISTRAR

BRANCH OFFICER